

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

HENRY L. WILLIAMS,

Plaintiff,

v.

**MILTON CAN COMPANY, INC., and
BWAY MANUFACTURING, INC.**

Defendants.

Case No. C-1-02-533

Judge Beckwith

**JOINT MOTION TO CONTINUE TRIAL
DATE**

The parties hereto respectfully request that the Judge continue the trial date of this matter currently set for April 25, 2005. The parties believe that the best interests of their clients will be served by having this matter proceed to mediation. The parties have recently made significant progress toward resolving this case but believe that the assistance of a mediator could assist the parties in moving closer. The parties are currently determining the availability of certain mediators in the area and hope to finalize a mediation set sometime in late April. The parties will keep the Court up-to-date regarding the scheduling and progress of the mediation.

WHEREFORE, the parties respectfully request that the Court continue the trial date until approximately mid-August 2005, which will permit the parties time to attempt to resolve the case extra-judicially. A proposed Order is attached.

Respectfully submitted,

/s/ David D. Black

David D. Black (0063715)
DINSMORE & SHOHL
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
Trial Attorney for Defendants
Milton Can Company, Inc. and
BWAY Manufacturing, Inc.

/s/ William P. Allen

William P. Allen (0064046)
CASPER & CASPER
One North Main Street
P.O. Box 510
Middletown, Ohio 45042
Trial Attorney for Plaintiff
Henry L. Williams

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by ordinary U.S. Mail upon Plaintiff's attorneys, William P. Allen and Patrick W. Allen, CASPER & CASPER, One North Main Street, P.O. Box 510, Middletown, Ohio 45042, this 9th day of March, 2005.

/s/ David D. Black

David D. Black

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ORDER VACATING TRIAL DATE

Upon motion of the parties, the trial date currently set for April 25, 2005, is hereby vacated, along with the related deadlines. The parties shall file a status report upon confirmation of the mediation advising the Court of the time, place and individual presiding as the mediator. The Court will also schedule a status conference upon request of either party or on its own initiative, after completion of the mediation. The Court shall issue a new final pre-trial order when a new trial date is set.

Date: _____

Judge Beckwith

Copies to:

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